

立法會
Legislative Council

LC Paper No. FC224/17-18

(These minutes have been
seen by the Administration)

Ref: FC/1/1(27)

Finance Committee of the Legislative Council

**Minutes of the 56th meeting
held at Conference Room 1 of the Legislative Council Complex
on Friday, 23 June 2017, at 3:15 pm**

Members present:

Hon CHAN Kin-por, BBS, JP (Chairman)
Hon Michael TIEN Puk-sun, BBS, JP (Deputy Chairman)
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki

Hon KWOK Wai-keung
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon CHAN Chun-ying
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Nathan LAW Kwun-chung
Dr Hon YIU Chung-yim
Dr Hon LAU Siu-lai

Members absent:

Hon James TO Kun-sun
Hon Kenneth LEUNG
Hon Dennis KWOK Wing-hang
Dr Hon Fernando CHEUNG Chiu-hung
Hon SHIU Ka-chun
Hon Kenneth LAU Ip-keung, MH, JP

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

Public officers attending:

Ms Elizabeth TSE Man-yee, JP	Permanent Secretary for Financial Services and the Treasury (Treasury)
Ms Carol YUEN, JP	Deputy Secretary for Financial Services and the Treasury (Treasury) 1
Mr Alfred ZHI Jian-hong	Principal Executive Officer (General), Financial Services and the Treasury Bureau (The Treasury Branch)
Mr LAU Kong-wah, JP	Secretary for Home Affairs
Mrs Betty FUNG CHING Suk-yee, JP	Permanent Secretary for Home Affairs
Mr YEUNG Tak-keung, JP	Commissioner for Sports, Home Affairs Bureau
Ms Linda LAW Lai-tan	Principal Assistant Secretary for Home Affairs (Recreation and Sport) 2

Clerk in attendance:

Ms Anita SIT	Assistant Secretary General 1
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Staff in attendance:

Ms Ada LAU	Senior Council Secretary (1)7
Mr Raymond SZETO	Council Secretary (1)5
Miss Queenie LAM	Senior Legislative Assistant (1)2
Mr Frankie WOO	Senior Legislative Assistant (1)3
Ms Michelle NIEN	Legislative Assistant (1)5

Action

Item No. 1 — FCR(2017-18)14
RECOMMENDATION OF THE PUBLIC WORKS
SUBCOMMITTEE MADE ON 31 MAY 2017
PWSC(2017-18)2
HEAD 703 — BUILDINGS
Recreation, Culture and Amenities — Sports facilities
272RS — Kai Tak Sports Park

Motion moved by Mr CHAN Hak-kan under paragraph 47 of the Finance Committee Procedure

The Finance Committee ("FC") continued with the debate on the motion moved by Mr CHAN Hak-kan under paragraph 47 of the Finance Committee Procedure ("FCP") at the last meeting.

2. Ms Claudia MO, Dr KWOK Ka-ki, Mr LEUNG Yiu-chung, Mr Andrew WAN, Mr CHU Hoi-dick and Dr LAU Siu-lai spoke against Mr CHAN Hak-kan's motion. They were of the view that, as a reasonable arrangement, members should be given sufficient time to return to the conference room and consider the contents of the motions proposed by members under FCP 37A ("FCP 37A motions"). Some members also said that the Chairman should allow members to have more time to carefully scrutinize the funding proposal concerned. .

3. Mr CHAN Han-pan expressed support for Mr CHAN Hak-kan's motion.

4. At 3:39 pm, the Chairman put the motion to vote. At the request of members, the Chairman ordered a division. The motion was carried. The votes of individual members were set out in the **Annex**.

Motions proposed by members under paragraph 37A of the Finance Committee Procedure

5. At 3:44 pm, FC continued with the voting on whether the remaining FCP 37A motions would be proceeded with forthwith. The voting results were as follows:

Members proposing the motions	Serial numbers of motions	Motions be proceeded with forthwith
Mr CHAN Chi-chuen	0002,0003,0004,0005,0006,0007	No
Dr LAU Siu-lai	0008,0009,0010	No
Mr CHU Hoi-dick	0011,0012,0013	No
Mr Nathan LAW Kwun-chung	0014,0015,0016,0017	No
Mr LEUNG Kwok-hung	0018,0019,0020,0021,0022	No
Dr KWOK Ka-ki	0023,0024,0025,0026	No

Motion moved by Mr CHU Hoi-dick under paragraph 21 of the Finance Committee Procedure

6. At 4:17 pm, Mr CHU Hoi-dick moved a motion under FCP 21. The wording of the motion was as follows:

That in accordance with paragraph 21 of the Finance Committee Procedure and paragraph (c) of the Resolution on Capital Works Reserve Fund (Cap. 2A), regarding FCR(2017-18)14 which seeks to upgrade the remaining part of 272RS (known as the "Kai Tak Sports Park—construction works") to Category A, moneys from Capital Works Reserve Fund may be expended by the Financial Secretary for the purpose of the "Kai Tak Sports Park—construction works" subject to the following conditions, exceptions and limitations specified by the Finance Committee: the Financial Secretary may only expend the approved moneys after 1 July 2018.

7. Mr CHU Hoi-dick spoke on the motion. He said that the Public Finance Ordinance (Cap. 2) and its subsidiary legislation empowered FC to impose conditions in approving the public expenditure proposals put forward by the Government. However, FC had never exercised such power before. Mr CHU also advised that his motion was of significant importance in terms of the relationship between the executive authorities and the legislature, as it could change the practice that FC could either approve or reject a funding proposal put forward by the Government by allowing FC to impose conditions in approving such a funding proposal. He further said that his motion aimed to defer the use of the approved funds by three months so that the Government could consider afresh whether the "Design-Build-and-Operate" model ("DBO model") under the existing funding proposal should be replaced by the "design and build, then operate by Government" ("DBG") approach. He called on members to support his motion.

8. At the invitation of the Chairman, the Secretary for Home Affairs ("SHA") explained the Government's position. Expressing objection to Mr CHU Hoi-dick's motion, he said that the motion would, in effect, prevent the Administration from expeditiously commencing the Kai Tak Sports Park project and the related preparatory work. The Permanent Secretary for Financial Services and the Treasury (Treasury) ("PSFST(T)") added that:

- (a) when seeking FC's approval for funding a project under the Capital Works Reserve Fund ("CWRF"), the Government essentially invited FC to scrutinize the funding application, so as to upgrade the project to Category A with the project estimates approved by FC. Once the funding application was approved, the execution and implementation details (including the time to expend the moneys) were vested in the Government;
- (b) since the establishment of CWRF, it had been the Government's understanding that a project could be delivered in accordance with the actual circumstances without being rigidly bound by the details set out in the funding proposal, provided that the approved project estimates were not exceeded and the scope approved by FC was adhered to;
- (c) Mr CHU's motion restricted the Government from expending the moneys until after a specified date, while the funding proposal did not impose a restriction on the exact date on which the Government could commence expending the approved funds. The motion was therefore inconsistent with the Government's financial proposal. Moreover, in the Government's view, if the conditions or restrictions (including when to expend the moneys) proposed by Members in respect of the Government's funding proposals impeded the discharge of the Government's duties, or severely distorted the original intent or compromised the integrity of the project, or incurred additional Government's expenditure, it was unlikely that these conditions, restrictions or exceptions would comply with the original intent of paragraph (c) of Resolution on Capital Works Reserve Fund (Cap. 2A). They were therefore considered as falling outside the scope of paragraph (c) of Cap. 2A; and

- (d) the Government was of the view that any motion restricting the time for the Government to expend the moneys should be ruled as being out of order under FCP and the Rules of Procedure of LegCo.

9. The Chairman directed that members might each speak once on Mr CHU Hoi-dick's motion for not more than three minutes. The Chairman reminded members that the debate should focus on the reasons for supporting or opposing the motion which sought to defer the date on which the Government might expend the approved funds.

10. Mr LEUNG Yiu-chung requested the Administration to provide the speaking notes of SHA and PSFST(T) in giving the above responses.

[Post-meeting note: The Chief Secretary for Administration wrote to FC Chairman on 29 June 2017 explaining the Administration's position on the motion. The letter was issued to members vide LC Paper No. FC238/16-17(01) on 19 July 2017.]

11. Ms Claudia MO, Dr YIU Chung-yim, Dr LAU Siu-lai, Mr LEUNG Yiu-chung, Mr LEUNG Kwok-hung, Mr WU Chi-wai, Mr CHAN Chi-chuen, Dr KWOK Ka-ki, Dr CHENG Chung-tai, Mr Alvin YEUNG, Mr HUI Chi-fung, Mr Nathan LAW and Mr KWONG Chun-yu spoke in support of Mr CHU Hoi-dick's motion. In gist, they were not convinced of the justifications given by the Administration in its response and considered that Mr CHU had a sound legal basis for moving the motion which would facilitate LegCo's monitoring of the Government. They were also of the view that the Government should consider afresh whether the DBG model was more desirable than the DBO model. Mr HUI Chi-fung did not agree with the Chairman's ruling that the other six motions proposed by Mr CHU Hoi-dick under FCP 21 were out of order. He held that the justifications provided by the Chairman were rather far-fetched. The Chairman said that he had made the ruling after careful consideration.

12. Mr LUK Chung-hung, Mr LAU Kwok-fan and Mr Abraham SHEK spoke against Mr CHU Hoi-dick's motion. They considered that the motion was not fully justified, and might cause project delay which would in turn boost the project costs. Also, Article 73 of the Basic Law did not empower LegCo to determine how public moneys should be expended.

13. The meeting ended at 5:15 pm.

點名表決 DIVISION: 4
日期 DATE: 23/06/2017
時間 TIME: 03:44:47 下午 PM

動議 MOTION: 動議其後就相同議程項目下任何議案或待議議題進行點名表決時，委員會須在點名表決鐘聲響起一分鐘後進行點名表決
Motion that in the event of further divisions being claimed of any motions or questions under the same agenda item, the Committee do proceed such divisions immediately after the division bell has been rung for one minute

動議人 MOVED BY:

出席 Present : 50
投票 Vote : 49
贊成 Yes : 30
反對 No : 19
棄權 Abstain : 0
結果 Result : 通過 Passed

個別表決如下 THE INDIVIDUAL VOTES WERE AS FOLLOWS:

議員	MEMBER	投票	VOTE	議員	MEMBER	投票	VOTE
陳健波	CHAN Kin-por	出席	PRESENT	葉建源	IP Kin-yuen		
涂謹申	James TO			葛珮帆	Dr Elizabeth QUAT	贊成	YES
梁耀忠	LEUNG Yiu-chung	反對	NO	廖長江	Martin LIAO	贊成	YES
石禮謙	Abraham SHEK			潘兆平	POON Siu-ping	贊成	YES
張宇人	Tommy CHEUNG	贊成	YES	蔣麗芸	Dr CHIANG Lai-wan	贊成	YES
李國麟	Prof Joseph LEE			盧偉國	Ir Dr LO Wai-kiok	贊成	YES
林健鋒	Jeffrey LAM	贊成	YES	鍾國斌	CHUNG Kwok-pan	贊成	YES
黃定光	WONG Ting-kwong	贊成	YES	楊岳橋	Alvin YEUNG	反對	NO
李慧琼	Starry LEE			尹兆堅	Andrew WAN	反對	NO
陳克勤	CHAN Hak-kan	贊成	YES	朱凱迪	CHU Hoi-dick	反對	NO
梁美芬	Dr Priscilla LEUNG			吳永嘉	Jimmy NG	贊成	YES
黃國健	WONG Kwok-kin	贊成	YES	何君堯	Dr Junius HO	贊成	YES
葉劉淑儀	Mrs Regina IP	贊成	YES	何啟明	HO Kai-ming	贊成	YES
謝偉俊	Paul TSE	贊成	YES	林卓廷	LAM Cheuk-ting	反對	NO
梁國雄	LEUNG Kwok-hung	反對	NO	周浩鼎	Holden CHOW	贊成	YES
毛孟靜	Claudia MO	反對	NO	邵家輝	SHIU Ka-fai		
田北辰	Michael TIEN			邵家臻	SHIU Ka-chun		
何俊賢	Steven HO	贊成	YES	柯創盛	Wilson OR		
易志明	Frankie YICK	贊成	YES	容海恩	YUNG Hoi-yan	贊成	YES
胡志偉	WU Chi-wai	反對	NO	陳沛然	Dr Pierre CHAN	反對	NO
姚思榮	YIU Si-wing	贊成	YES	陳振英	CHAN Chun-ying	贊成	YES
馬逢國	MA Fung-kwok	贊成	YES	陳淑莊	Tanya CHAN	反對	NO
莫乃光	Charles Peter MOK			張國鈞	CHEUNG Kwok-kwan	贊成	YES
陳志全	CHAN Chi-chuen	反對	NO	許智峯	HUI Chi-fung	反對	NO
陳恒鎮	CHAN Han-pan	贊成	YES	陸頌雄	LUK Chung-hung	贊成	YES
梁志祥	LEUNG Che-cheung	贊成	YES	劉國勳	LAU Kwok-fan	贊成	YES
梁繼昌	Kenneth LEUNG			劉業強	Kenneth LAU		
麥美娟	Alice MAK	贊成	YES	鄭松泰	Dr CHENG Chung-tai	反對	NO
郭家麒	Dr KWOK Ka-ki	反對	NO	鄭俊宇	KWONG Chun-yu	反對	NO
郭偉強	KWOK Wai-keung			譚文豪	Jeremy TAM	反對	NO
郭榮鏗	Dennis KWOK			羅冠聰	Nathan LAW	反對	NO
張華峰	Christopher CHEUNG	贊成	YES	姚松炎	Dr YIU Chung-yim	反對	NO
張超雄	Dr Fernando CHEUNG			劉小麗	Dr LAU Siu-lai	反對	NO
黃碧雲	Dr Helena WONG						

秘書 CLERK

